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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,282	02/12/2004	Carlos V. Perry JR.	06080003C1	3518
7055	7590	03/27/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			CINTINS, IVARS C	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/776,282

Applicant(s)

PERRY, CARLOS V.

Examiner

Ivars C. Cintins

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 28 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a sheet having perforation placed on the bottom of the tank, does not reasonably provide enablement for a sheet having perforations placed on the sides of the tank (see page 7, lines 21-23 of the specification). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-26 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Zimmer et al. (U.S. Patent No. 5,417,147; hereinafter “Zimmer”). The reference discloses a tank having a bottom and sides, an inlet and outlet, and an effluent distribution system comprising channels **36b** integrally formed in the bottom of the tank, and channels **36a** extending along the side walls of the tank (see col. 2, lines 53-59), wherein the bottom channel **36b** is open to the inside of the tank, spans opposing ends of the tank, and has an additional intersecting channel (see Fig. 2); and this is all that is required by claims 24 and 30. This reference also shows an inlet pipe **46** extending from an interior to the exterior of the tank (see Fig. 1), and further teaches that the tank

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can be made from a synthetic material (col. 2, line 43); and this is all that is additionally required by claims 25 and 26.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmer in view of Berg et al. (U.S. Patent No. 6,280,614; hereinafter "Berg"). Should it be held that channels 36a of the Zimmer device are not located "in" the sides of the tank, then this primary reference discloses the claimed invention with the exception of these side channels. Berg shows a liquid holding tank having channels located in both its bottom and sides; and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide additional channels in the sides of the tank of Zimmer, as taught by Berg, in order to assist in the drainage of liquid to the bottom of this tank.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmer in view of Townsend (U.S. Patent No. 3,738,527). The primary reference discloses the claimed invention with the exception of the recited sheet. Townsend teaches lining a liquid storage tank with a protective sheet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the liquid storage tank of Zimmer with a similar sheet-like liner, in order to protect the inner surface of this primary reference tank.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmer and Berg as applied above, further in view of Townsend. Should it be held that channels 36a of the

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Zimmer device are not located "in" the sides of the tank, then the modified primary reference discloses the claimed invention with the exception of the recited sheet. Townsend teaches lining a liquid storage tank with a protective sheet; and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the liquid storage tank of the modified primary reference with a similar sheet-like liner, in order to protect the inner surface of this modified primary reference tank.

Claim 28 would be allowed if amended to recite that the sheet is located on the bottom of the tank because the references of record do not teach or fairly suggest a recirculating filter tank system of the type recited, having a sheet that includes perforations such that effluent can flow from a filter to the integral troughs.

Applicant's arguments filed November 9, 2005 have been noted and carefully considered, but no longer appear to be relevant in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is 571-272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at 571-272-1166.

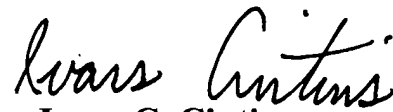
The centralized facsimile number for the USPTO is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**

I. Cintins  
March 17, 2006